

## **Permitting & Assistance Branch Staff Report**

New Solid Waste Facilities Permit for the

AgroThrive, Inc. Gonzales Facility

SWIS No. 27-AA-0119

September 1, 2013

### **Background Information, Analysis, and Findings:**

This report was developed in response to the Monterey County Health Department, Environmental Health Bureau, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed new Solid Waste Facilities Permit (SWFP) for the AgroThrive, Inc. Gonzales Facility, SWIS No. 27-AA-0119, located in Monterey County and owned by Rocci Martignoni, and operated by AgroThrive, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 15, 2013. A new proposed permit was received on August 2, 2013. Action must be taken on this permit no later than October 1, 2013. If no action is taken by October 1, 2013, the Department will be deemed to have concurred with the issuance of the proposed new SWFP.

### **Proposed Permit:**

The following are the key design parameters of the proposed project:

	<b><u>Proposed Permit</u></b>
Operator	AgroThrive, Inc.
Owner	Rocci Martignoni
Facility Type	Composting Facility
Proposed Permitted Hours/Days of Operation	Monday – Saturday 8a.m.-5p.m. (Ancillary operations on Sunday)
Proposed Permitted Maximum Tonnage	71.4 Tons per day (61.4 tpd liquid/10 tpd solid)
Proposed Permitted Traffic Volume	15 vehicles per day
Proposed Permitted Area (acres)	1 acre
Design Capacity (cubic yards)	472,000 gallons (liquid) 100 cubic yards (solid)
Proposed Waste Types	Organic feedstock include food industry by products, animal feed, liquid concentrated plant protein, food waste, vegetable culls, fish wastes.

**Key Issues:**

The proposed permit will allow for the following:

1. Operation of an in-vessel, thermophilic, aerobic composting utilizing a variety of organic feedstock which primarily includes food waste, vegetable culls, and liquid concentrated plant protein.
2. Processing of the blended feedstock yields several products including a liquid fertilizer, soil amendment, and a top dressing.
3. The facility is to operate as a Composting facility.

**Background:**

AgroThrive, Inc. (AgroThrive) facility is an existing liquid fertilizer manufacturing operation located at an existing Dairy site near the City of Gonzales, California. AgroThrive started operating in 2007 and is completely within the footprint of the Dairy and makes use of existing structures. The facility occupies approximately 1 acre on the existing Dairy and is permitted and regulated by the Monterey County Health Department, Environmental Health Bureau, acting as Local Enforcement Agency (LEA) for the Department of Resources, Recycling, and Recovery (CalRecycle). AgroThrive currently has an EA Notification Research Composting Operation tier approval from the Environmental Health Bureau but is applying for a Compostable Material Handling Facility permit due to the nature of the feedstock processed. The facility currently generates up to 10 vehicle trips per day and this will increase to approximately 15 vehicles per day due to a slight increase in delivery vehicles. Under current operations, AgroThrive processes up to 5 tons of solids and approximately 31 tons per day of liquids. Solid feedstock includes primarily fish wastes, as well as vegetable culls. The facility receives about 31 tons per day of liquid concentrated plant protein. With this application, the operator proposes to process up to 10 tons per day of solids and 61.4 tons per day of liquids.

**Findings:**

Staff recommends concurrence in the issuance of the proposed new SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 12, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 2, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 15, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Nondisposal Facility Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated July 30, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on July 30, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 15, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 14, 2013. No written comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed new SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on July 30, 2013 and found that the facility is in compliance with applicable state minimum standards. AgroThrive, Inc. has been operational since 2009 under an EA Research Notification and has never had any violations documented during quarterly inspections by the LEA.

### **Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Monterey, Monterey County Health Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the

preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The operations that will be authorized by the issuance of the proposed permit include: an aerobic digester with feedstock that includes food wastes, fish wastes, animal feed, liquid concentrated plant protein, and vegetable culls. The feedstock to be processed in the in-vessel digesters comprises of about 10 tons per day of solids and approximately 61 tons per day of liquid feedstock. These operations are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No. 2011121003, was circulated for a 30 day comment period from December 2, 2011 to January 3, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on June 8, 2012. A Notice of Determination was filed with the State Clearinghouse on June 19, 2012.

The Monterey County Health Department (LEA) has provided a finding that the proposed new SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed new SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed new SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed new SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on June 14, 2013, at AgroThrive's facility located at 26775 Old Stage Road, in the City of Gonzales. The LEA and the facility operator were the only members in attendance. No written comments were received by the LEA or Department staff. The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 20, 2013.